

REMARKS

Claims 1-22 are all the claims pending in the application. Claims 12-13 and 16-22 have been withdrawn from consideration. Claim 1-11 and 14-15 have been examined and rejected as follows:

- Claims 1-3, 11 and 14-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,272,269 to Naum ("Naum") in view of U.S. Patent No. 6,435,682 to Kaelin ("Kaelin");
- Claims 4-5 and 9-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Naum in view of Kaelin in further view of U.S. Patent No. 6,814,442 to Okuyama ("Okuyama"); and
- Claims 6-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Naum in view of Kaelin in further view of U.S. Patent No. 6,554,463 to Hooker ("Hooker").

The rejections contained in the present Office Action are substantially the same as presented in the Office Action dated March 4, 2005. For at least the following reasons, Applicant respectfully traverses these rejections.

In response to the Applicant's remarks in the Amendment Under 37 C.F.R. § 1.111 dated June 3, 2005, the Examiner has presented substantially the same rejections as previously presented. The Examiner has further stated that Applicant's previous remarks have been considered, but were not found to be persuasive. In these remarks, in which Applicant argued, in part:

Naum's receptacle is not a light guide panel; rather it is a coupling connecting optical fiber 48 and homogenizing member 30. Indeed, with regard to receptacle 44, Naum states:

The illuminator may be provided with output ports provided with receptacles 44 for receiving the input end of optical fiber 48, which may be provided with a plug adaptor 46. Receptacle 44 and plug 46 may serve to align

homogenizing segment 30 and the input end of optical fiber 48 for efficient coupling of light from the waveguide into the optical fiber.

Naum, column 7, lines 41-54.

(Amendment Under 37 C.F.R. § 1.111 dated June 3, 2005, at p. 9.).

In response, the Examiner directs the Applicant to MPEP 2111.01, which, according to the Examiner, supports the rejections by allowing for a broad construction of the claim term “light guide panel” recited in claim 1. (Office Action at p. 7). The Examiner argues that “Naum’s part 44 can be considered a panel and it guides light from part 30 of the optical transport member to the fiber optic coupling 46, therefore it is a light guide panel, it is irrelevant what Naum calls it as each applicant is entitled to be their own lexicographer.” (Office Action at p. 7).

While MPEP 2111.01 authorizes Examiner’s to give “the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification” the Examiner must still construe claim terms as would one of ordinary skill in the art unless the Applicant has acted as his own lexicographer. (MPEP 2111.01). In other words, any claim construction proffered by the Examiner must be reasonable. Further, no provision of MPEP 2111.01 negates MPEP 2143.03, which states that “[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” It remains the Examiner’s burden to show that each element of a claim is taught or suggested by the prior art.

Claim 1 recites “an optical modulator for modulating light incident from the illumination module in response to image data, wherein the illumination module comprises ... a light guide

panel comprising a top surface from which light is emitted, the top surface facing the optical modulator, and an edge surface on which light is incident, the light guide panel having a rectangular cross section.” The Examiner asserts that this limitation is taught by Naum’s receptacle 44. (Office Action at p. 3). Receptacle 44 is a tubular connector having open ends to facilitate coupling of optical fiber 48 (which may include plug adaptor 46) with homogenizing segment 28. (Naum, column 7, lines 41-54). While the Examiner asserts that receptacle 44 “guides light from part 30 of the optical transport member to the fiber optic coupling 46” (Office Action at p. 7), there is no suggestion of such a teaching in the specification of Naum (Examiner has cited only Fig. 9 in support of his rejection). Further, Figure 9, an exploded view of a fiber optic illuminator does not show homogenizing segment 30, receptacle 44 and optical fiber 48 in an assembled state. Thus, this Figure cannot suggest a “light guide panel” as recited in claim 1 and, in fact, such a teaching is belied by the above-quoted passage from Naum which refers to receptacle 44 as merely a coupling.

Further, nowhere has the Examiner identified which “surface” of receptacle 44 teaches the claimed “top surface” and “edge surface.” Receptacle 44 has no “top portion” or “edge portion” and the Examiner has cited none. Receptacle 44 is an open-ended tubular member and does not have “a top surface from which light is emitted [or] an edge surface on which light is incident”

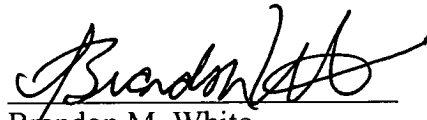
As no other cited reference, alone or in combination with Naum, cures the deficiencies of Naum, Applicant respectfully submits that claim 1 is patentable over the cited art. As claims 2-11 and 14-15 depend from claim 1, Applicant respectfully submits that these claims are patentable at least based on their dependency on claim 1.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Brandon M. White
Registration No. 52,354

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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